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OCT -2 AM 9:04  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

SEP 28 2007

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

DEANNA L. FREITAG,

Plaintiff - Appellee,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS; et al.,

Defendants,

and

ROBERT J. AYERS, JR.; et al.,

Defendants - Appellants.

No. 07-16200

D.C. No. CV-00-02278-THE  
Northern District of California,  
San Francisco

ORDER

Before: REINHARDT, NOONAN and HAWKINS, Circuit Judges.

The court has received the motion requesting assignment of this appeal to the panel that decided *Freitag v. Ayers et al.*, 468 F.3d 528 (9th Cir. 2006). The motion is granted.

This court's August 27, 2007 order expediting this appeal is vacated. This appeal shall be heard in the ordinary course. The previously established briefing schedule remains in effect.